

EXHIBIT A

**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re: :
: :
BOSCOV'S DEPARTMENT STORE, :
LLC FAIR AND ACCURATE CREDIT : MDL Docket No. _____
TRANSACTIONS ACT (FACTA) :
LITIGATION :
:

**MOTION OF DEFENDANT BOSCOV'S DEPARTMENT STORE, LLC
FOR TRANSFER OF ACTIONS TO THE DISTRICT OF MARYLAND
PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR
CONSOLIDATED PRETRIAL PROCEEDINGS**

Defendant Boscov's Department Store, LLC ("Boscov's") hereby moves the Judicial Panel on Multidistrict Litigation to transfer the actions captioned, *McKeown v. Boscov's Department Store, Inc.*, *Boscov's Department Store, LLC and Does 1 through 10*, No. 2:07-cv-00603-NBF (W.D. Pa.) (the "Pennsylvania Action"), and *Rosenberg v. Boscov's, Inc. and Boscov's*, No. 1:07-cv-01734-JEI-AMD (D.N.J.) (the "New Jersey Action"), to the United States District Court for the District of Maryland for pretrial coordination and consolidation with *Stillmock v. Boscov's Department Store, LLC and Does 1 through 10*, No. 1:07-cv-01343-JFM (D. Md) (the "Maryland Action") (collectively, the "Boscov's FACTA Actions") pursuant to 28

U.S.C. § 1407. *See* Boscov's Appendix of Exhibits, Ex. 1 (Schedule of Actions pursuant to 28 U.S.C. § 1407).¹

In support of this motion, Boscov's incorporates the arguments and authorities set forth in its memorandum of law in support of transfer pursuant to 28 U.S.C. § 1407 and avers as follows:

1. The respective complaints, docket reports and scheduling orders in the Boscov's FACTA Actions are attached to Boscov's Appendix of Exhibits as Exs. 2 (New Jersey Action), 3 (Pennsylvania Action) and 4 (Maryland Action).
2. Boscov's (at times misidentified as Boscov's Department Stores, Inc.; Boscov's Department Store, LLC; Boscov's, Inc.; and Boscov's) is the defendant in each of the Boscov's FACTA Actions. *See* Exs. 2-4.
3. The plaintiffs in the respective Boscov's FACTA Actions assert related claims under the Fair Credit Reporting Act, 15 U.S.C. § 1681n ("FCRA") for alleged wilful violations by Boscov's of the Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681c(g) ("FACTA"). *See, e.g.*, Ex. 2, Complaint ¶ 33; Ex. 3, Complaint ¶ 40; Ex. 4, Complaint ¶¶ 49-50.
4. Each case is premised on the allegation that Boscov's printed more than the last five digits of the card number and/or the expiration date on electronically printed credit and debit card receipts in violation of Section 1681c(g). *See, e.g.*, Ex. 2, Complaint ¶ 13; Ex. 3, Complaint ¶ 30; Ex. 4, Complaint ¶ 25.
5. The Boscov's FACTA Actions assert claims with overlapping and conflicting putative classes. *See* Ex. 2, Complaint ¶ 16; Ex. 3, Complaint ¶ 16; Ex. 4, Complaint ¶ 31.

¹ Unless otherwise noted, all references to Exhibits herein and in Boscov's supporting memorandum of law are to Boscov's Appendix of Exhibits filed concurrently herewith.

6. In light of the similarity of issues, common questions of fact, and common witnesses, the Boscov's FACTA Actions satisfy the statutory requirement for transfer for pre-trial coordination or consolidation pursuant to 28 U.S.C. § 1407.

7. The District of Maryland – Baltimore Division is the most convenient district for the centralization of pretrial proceedings in these related actions.

WHEREFORE, for the reasons summarized above and discussed at length in its supporting brief, Boscov's Department Store, LLC, respectfully requests that the Panel grant its motion and issue an Order transferring the Pennsylvania Action and the New Jersey Action to the United States District Court for the District of Maryland for coordination or consolidation with the Maryland Action before the Honorable J. Frederick Motz.

Respectfully submitted,

STEVENS & LEE

Dated: July 9, 2007

By: 

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